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10/081,173	02/22/2002	David C. Collier	213	2754
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FRANK NGUYEN 1341 ORLEANS DRIVE SUNNYVALE, CA 94089			WORJLOH, JALATEE	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/081,173	COLLIER, DAVID C.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jalatee Worjoh	3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 21 August 2003.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9, 12-22, 25-35, 38-49 and 51-55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-9, 12-22, 25-35, 38-49 and 51-55 is/are rejected.
- 7) Claim(s) 1 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 February 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____ .  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 502,504,505 and 506. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. Claims 1-9, 12-22, 25-35, 38-49, and 51-55 have examined.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: please define the acronyms MPEG and IPMP. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 14, 15, 17, 27, 28, 30, 40, 41 and 43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14, 27 and 40 recite, “at least one content key includes a plurality of content keys for encrypting and decrypting *corresponding time periods* of said material”. It is unclear what is intended by “encrypting and decrypting corresponding time periods of said material”. Therefore, it is suggested that Applicant revise this claim (and or others that apply) for clarity.

Claim 15, which depends on claim 14, is also rejected under 35 U.S.C. 112.

Claims 17, 30 and 43 recite, “plurality of license keys are used one-at-time in a *predetermined fashion*”. It is unclear what is intended by “predetermined fashion”. Please consider revising this claim for clarity.

Claim 28, which depends on claim 27, is also rejected under 35 U.S.C. 112.

Claim 41, which depends on claim 15, is also rejected under 35 U.S.C. 112.

#### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 2, 4, 8, 9, 18, 19, 21, 22, 31, 32, 34, 35, 48 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by US Publication No. 2005/0021467 to Franzdonk.

Referring to claim 1, Franzdonk discloses providing at least one license key (i.e. license containing a protected encryption key) to a licensee of material, i.e. content (see paragraph [0108]), providing said material in at least one MPEG-4 bit stream encrypted with at least one content key to said licensee (see paragraphs [0121] & [0048] – the distributed content is encrypted utilizing a content key. The content provider may utilize MPEG-4 IPMP compliant solutions to encrypt MPEG-4 data; thus, the encrypted content is a MPEG-4 bit stream.), and providing said at least one content key encrypted with said at least one license key to said licensee in an IPMP stream provided along with said material (Notice, the content is encrypted with a content key to generate an encrypted content (see paragraph [0048])); the content is then provided to the user (i.e. start streaming the content item to the appropriate content destination- see paragraph [0108]) in an IPMP format (see paragraph [0121]).

Referring to claim 2, Franzdonk discloses providing a license authorizing said licensee to use said material (see paragraph [0084]).

Referring to claim 4, Franzdonk discloses at least one license key is provided along with said license to said licensee (see paragraph [0108]).

Referring to claim 8, Franzdonk discloses the method wherein said at least one content key encrypted with at least one license key and said material encrypted with said at least one content key are provided by transmitting them over an authenticated secure channel to said licensee (see paragraph [0082] – SSL).

Referring to claim 9, Franzdonk discloses providing said material encrypted with at least one content key to said licensee, comprises encrypting said material in real-time with said at least

one content key (See paragraph [0093]) and providing said material encrypted with said at least one content key to said licensee by transmitting it as streaming media (see paragraph [0108]).

Referring to claim 18, Franzdonk discloses transmit at least on license key (i.e. license containing a protected encryption key) to a client device (i.e. secure device) operable by a licensee of material, i.e. content (see paragraph [0108]), transmit said material in at least one MPEG-4 bit stream encrypted with at least one content key to said client device (see paragraphs [0121] & [0048] – the distributed content is encrypted utilizing a content key The content provider may utilize MPEG-4 IPMP compliant solutions to encrypt MPEG-4 data; thus, the encrypted content is a MPEG-4 bit stream.), and transmit said at least one content key encrypted with said at least one license key to said license in an IPMP stream provided along with said material (Notice, the content is encrypted with a content key to generate an encrypted content (see paragraph [0048])); the content is then provided to the user (i.e. start streaming the content item to the appropriate content destination- see paragraph [0108]) in an IPMP format (see paragraph [0121]).

Referring to claims 19 and 32, Franzdonk discloses said at least one server (i.e. digital rights agent) is further configured to transmit a license authorizing said licensee to use said material (see paragraph [0084]).

Referring to claims 21 and 34, Franzdonk discloses wherein said at lest one server is further configured to establish an authenticated secure channel with said client device and transmit said at least one license key along with said license to said client device over said secure channel (see paragraph [0082] – SSL).

Referring to claims 22 and 35, Franzdonk discloses at least one server comprises a license server (i.e. digital rights agent) configured to transmit said at least one license key (i.e. license containing a protected encryption key) to a client device (i.e. secure device) (see paragraph [0108]) and a data providing server (i.e. digital rights agent) configured to transmit said material encrypted with at least one content key (see paragraphs [0048] – the distributed content is encrypted utilizing a content key), and said at least one content key to said client device, i.e. secure dive (Notice, the content is encrypted with a content key to generate an encrypted content (see paragraph [0048])); the content is then provided to the user (i.e. start streaming the content item to the appropriate content destination- see paragraph [0108]).

Referring to claim 31, Franzdonk discloses a client device (i.e. secure device) operable by a licensee of material, ate least one server device (i.e. digital rights agent) configured to transmit at least on license key (i.e. license containing a protected encryption key) (see paragraph [0108]) in at least one MPEG-4 bit stream encrypted with at least one content key (see paragraphs [0121] & [0048] – the distributed content is encrypted utilizing a content key The content provider may utilize MPEG-4 IPMP compliant solutions to encrypt MPEG-4 data; thus, the encrypted content is a MPEG-4 bit stream.), and said at least one content key encrypted with said at least one license key to said license in an IPMP stream provided along with said material (Notice, the content is encrypted with a content key to generate an encrypted content (see paragraph [0048])); the content is then provided to the user (i.e. start streaming the content item to the appropriate content destination- see paragraph [0108]) in an IPMP format (see paragraph [0121]).

Referring to claim 48, Franzdonk discloses providing a license to use material (i.e. content) and a license key corresponding to said license (i.e. license containing a protected

encryption key) (see paragraph [0108]), providing said material in at least one MPEG-4 bit stream encrypted with at least one content key to said licensee (see paragraphs [0121] & [0048] – the distributed content is encrypted utilizing a content key. The content provider may utilize MPEG-4 IPMP compliant solutions to encrypt MPEG-4 data; thus, the encrypted content is a MPEG-4 bit stream.), and providing said content key encrypted with said at least one license key to said licensee in an IPMP stream provided along with said material (Notice, the content is encrypted with a content key to generate an encrypted content (see paragraph [0048])); the content is then provided to the user (i.e. start streaming the content item to the appropriate content destination- see paragraph [0108]) in an IPMP format (see paragraph [0121]).

Referring to claim 51, Franzdonk discloses wherein said license, said license key, said encrypted material, and said encrypted content key are provided by electronically transmitting them to a client requesting said material (see paragraph [0045]).

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 3, 20, 33, and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk as applied to claims 2, 19, 32 and 48 above, and further in view of US Publication No. 2004/0030656 to Kambayashi et al.

Franzdonk discloses usage rights (i.e. access policy) (see paragraph [0085]). Franzdonk does not expressly disclose the license includes a plurality of usage rights for using said material.

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Kambayashi et al. disclose the license includes a plurality of usage rights for using said material (see paragraphs [0073] & [0075]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the license disclose by Franzdonk to include a plurality of usage rights for using said material. One of ordinary skill in the art would have been motivated to do this because it restricts content usage and prevents unauthorized use of the content.

10. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk as applied to claim 1 above, and further in view of US Patent No. 6898708 to Hori et al.

Referring to claim 5, Franzdonk discloses providing license key (see paragraph [0108] – a license containing a protected encrypted key). Franzdonk does not expressly disclose the license key is encrypted with a public key of said license to said licensee. Hori et al. disclose providing said at least one license key is encrypted with a public key (see col. 23, lines 41-43). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Franzdonk to include the step of providing said at least one license key is encrypted with a public key. One of ordinary skill in the art would have been motivated to do this because it provides an additional level of security.

Referring to claim 6, Franzdonk discloses at least one license key and material (see claim 1 above). Franzdonk does not expressly disclose said at least one license key and said material encrypted with said at least one content key are provided by transmitting them through different communication channels to said licensee. Hori et al. at least one license key and said material encrypted with said at least one content key are provided by transmitting them through different communication channels to said licensee (see col. 6, lines 19-22 – the content is sent to the user

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over the cellular phone network and col. 15, lines 66, 67 & col. 16, line 1 – the license key is sent from the memory card). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclose by Franzdonk to include the step of transmitting the license key and the encrypted material through different communication channels to said licensee. One of ordinary skill in the art would have been motivated to do this because it provides faster transmission and additional security.

11. Claims 12, 25 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk as applied to claims 1, 18, and 31 above, and further in view of US Publication No. 20010053222 to Wakao et al.

Franzdonk discloses at least one content key encrypted with said at least one license key (see claim 1 above). Franzdonk does not expressly disclose at least one license key is mapped to corresponding portions of said material included in said at least one MPEG-4 bit stream encrypted with said at least one content key, by IPMP descriptors associated with said corresponding portions. Wakao et al. disclose at least one license key is mapped to corresponding portions of said material included in said at least one MPEG-4 bit stream encrypted with said at least one content key, by IPMP descriptors associated with said corresponding portions (see paragraph [0070]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method/apparatus/system disclose by Franzdonk to include the method wherein at least one license key is mapped to corresponding portions of said material included in said at least one MPEG-4 bit stream encrypted with said at least one content key, by IPMP descriptors associated with said corresponding portion. One of ordinary skill in the art would have been motivated to do this

because MPEG-4 data streams allow a plurality of video scenes and video objects to be independently transmitted and received with a single stream and IPMP protects a copyright of data (see paragraphs [0006] & [0045] of Wakao et al.)

12. Claims 13, 26, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk as applied to claims 1, 18 and 31 above, and further in view of US Patent No. 6901385 to Okamoto et al. and US Patent No. 6792280 to Hori et al.

Franzdonk discloses at least one content key (see claims 1, 18 and 31 above). Franzdonk does not expressly disclose the method wherein said at least one content key includes a plurality of content keys for encrypting and decrypting corresponding portions of said material. Okamoto et al. disclose at least one content key includes a plurality of keys for encrypting corresponding portions of said material (see claim 5 – a content key generating unit operable to generate a plurality of content key used to encrypt the plurality of contents). Hori et al. disclose a plurality of content keys for decrypting corresponding portions of said material (see col. 18, lines 39-42). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method/apparatus/system disclosed by Franzdonk to include a plurality of content keys for encrypting and decrypting corresponding portions of said material. One of ordinary skill in the art would have been motivated to do this because it provides an additional level of security.

13. Claims 16, 29 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk as applied to claims 1, 18 and 31 above, and further in view of US Patent No. 6865555 to Novak.

Franzdonk discloses at least one license key for encrypting at least one content key (see claims 1 and 18 above). Franzdonk does not expressly disclose a plurality of license keys for encrypting and decrypting said at least one content key. Novak discloses a plurality of license keys for decrypting said at least one content key (see col. 11, lines 17-28). Although Novak does not explicitly teach encrypting with these license keys, the examiner note that the method of Franzdonk may be modified to include the plurality of license keys of Novak therefore, the encrypting step of Franzdonk will utilize a plurality of license keys. At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method/apparatus/system disclose by Franzdonk to include a plurality of license keys for encrypting and decrypting said at least one content key. One of ordinary skill in the art would have been motivated to do this because it provides an additional level of security.

14. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk as applied to claim 31 above, and further in view of U.S. Publication No. 2003/0046238 to Nonaka et al.

Referring to claim 44, Franzdonk discloses a client device that is configured to decrypt said encrypted material using at least one content key (see paragraphs [0087] and [0088]). Franzdonk does not expressly disclose the client device decrypt said encrypted at least one content key using said license key. Nonaka et al. disclose decrypt said encrypted at least one content key using said license key (see paragraphs [0020] & [0021]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the system disclose by Franzdonk to include decrypt said encrypted at least one content key using

said license key. One of ordinary skill in the art would have been motivated to do this because it provides access to the data.

Referring to claim 45, Franzdonk discloses said client is further configured to receive said license key along with a license authorizing said licensee to use said material form said at least one server (see paragraphs [0084] & [0108]).

15. Claims 46, 47 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk and Nonaka et al. as applied to claim 45 and 48 above, and further in view of Kambayashi et al.

Franzdonk discloses usage rights (i.e. access policy) (see paragraph [0085]). Franzdonk does not expressly disclose the license includes a plurality of usage rights for using said material. Kambayashi et al. disclose the license includes a plurality of usage rights for using said material, wherein said client is further configured to use said material only in accordance with said plurality of usage rights of said license (see paragraphs [0073] & [0075]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the license disclose by Franzdonk to include a plurality of usage rights for using said material. One of ordinary skill in the art would have been motivated to do this because it restricts content usage and prevents unauthorized use of the content.

16. Claims 52 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk in view of Nonaka et al.

Referring to claim 52, Franzdonk discloses receiving a license to sue material and a license key (i.e. license containing a protected encryption key) corresponding to said license (see

paragraph [0108]), receiving said material in at least one MPEG-4 bit stream encrypted with a content key (see paragraphs [0121] & [0048] – the distributed content is encrypted utilizing a content key. The content provider may utilize MPEG-4 IPMP compliant solutions to encrypt MPEG-4 data; thus, the encrypted content is a MPEG-4 bit stream.), receiving said content key encrypted with said license key in an IPMP stream provided along with said material (Notice, the content is encrypted with a content key to generate an encrypted content (see paragraph [0048]); the content is then provided to the user (i.e. start streaming the content item to the appropriate content destination- see paragraph [0108]) in an IPMP format (see paragraph [0121]), and decrypting said encrypted material using said content key (see paragraphs [0087] and [0088]). Franzdonk does not expressly disclose decrypting said encrypted content key using said license key. Nonaka et al. disclose decrypting said encrypted content key using said license key (see paragraphs [0020] & [0021]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the method disclosed by Franzdonk to include the step of decrypting said encrypted content key using said license key. One of ordinary skill in the art would have been motivated to do this because it provides access to the data.

Referring to claim 54, Franzdonk discloses wherein said encrypted content key is received with said encrypted material (see paragraph [0108]).

Referring to claim 55, Franzdonk discloses wherein said license, said license key, said encrypted material, and said encrypted content key are received electronically (see paragraph [0045]).

17. Claim 53 is rejected under 35 U.S.C. 103(a) as being unpatentable over Franzdonk and Nonaka et al. as applied to claim 52 above, and further in view of Kambayashi et al.

Franzdonk discloses usage rights (i.e. access policy) (see paragraph [0085]). Franzdonk does not expressly disclose the license includes a plurality of usage rights for using said material. Kambayashi et al. disclose the license includes a plurality of usage rights for using said material, wherein said client is further configured to use said material only in accordance with said plurality of usage rights of said license (see paragraphs [0073] & [0075]). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to modify the license disclose by Franzdonk to include a plurality of usage rights for using said material. One of ordinary skill in the art would have been motivated to do this because it restricts content usage and prevents unauthorized use of the content.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jalatee Worjloh whose telephone number is (571) 272-6714. The examiner can normally be reached on Mondays-Thursdays 8:30 - 7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300 for Regular/After Final Actions and 571-273-6714 for Non-Official/Draft.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Any response to this action should be mailed to:

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Art Unit 3621

March 17, 2006